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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,657	06/24/2003	James A. DiCarlo	61011.00005	1278

7590 03/08/2006

Squire, Sanders & Dempsey LLP
14th Floor
8000 Towers Crescent Drive
Tysons Corner, VA 22182

EXAMINER

DIXON, MERRICK L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,657

Applicant(s)

DICARLO ET AL.

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

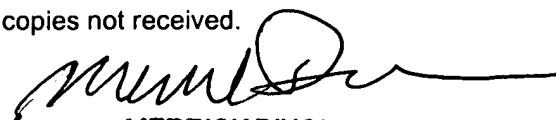
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



MERRICK DIXON
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6-24-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,4,5 are rejected under 35 U.S.C. 102(b) as being anticipated by Rocher et al(US 5476685). The reference teaches the claimed non-oxide ceramic fibers with specific coating thereon- col 1, lines 19-42; col 1, lines 59-63.; col 2, line 12-13; col 6, lines 56-58. the reference teaches silicon carbide in col 3, lines 3-27; see reference. Concerning claim 4, the reference teaches constituent stability in col 2, lines 60-67; col 2, lines 19-22. the reference teaches silicon carbide in col 3, lines 25-26.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2,3,6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rocher et al(US 5476685) in view of Singh et al(US 5945166).

The cited primary reference teaches the basic claimed invention including a ceramic matrix composite comprising non-oxide ceramic fibers with a coating thereon, as discussed above, inter alla. although the primary reference heat treats its product(col 2,

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lines 7-22, the reference fails to expressly teach such treatment to manipulate stress in the matrix and further shrink its product. The secondary reference to Singh et al, however teaches these aspects in col 2, lines 5-7; col 6, claim 6. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference to Singh et al and facilitate such composite shrinking in Rocher et al, in the absence of unexpected results motivated by the desire to produce composite with desired properties- col 2, lines 8-19; col 3, lines 24-29.. concerning claims 6 and 7, the primary reference teaches dimensional unstable coating- col 2, lines 60-65; col 2, lines 55-59. The primary reference teaches silicon carbide coatings in col 3, lines 5-14.

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Claims 8 , 9 and 11–15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brocher et al(US 5476685). The reference teaches the claimed process including selecting specific material, forming non-oxide fibers, coating the fibers and heating the resulting material to form a composite- col 1, lines 59-66; col 2, lines 7-33. concerning claim9, the reference teaches debonding of the constituents in col2, lines51-64. the reference teaches similar coating material possessing identical properties as claimed by virtue of the coating material is identical- see above. Concerning claims 13, 14 and 15, it is submitted the types articles and its characteristics/properties used during the claimed process are of no patentable consequences to the instant question for patentability which must be manipulatively distinct.

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Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rocher et al(US 5476685) in view of Singh et al(US 5945166). The reference teaches the claimed process as discussed above, inter alla. The primary reference, however, fails to expressly teach such treatment to manipulate stress in the matrix and further shrink its product. The secondary reference to Singh et al, however teaches these aspects in col 2, lines 5-7; col 6, claim 6. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference to Singh et al and facilitate such composite shrinking in Rocher et al, in the absence of unexpected results motivated by the desire to produce composite with desired properties- col 2, lines 8-19; col 3, lines 24-29.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kriven et al(US 5948516), Cotteret et al(US 5134020), Goujard et al(US 5514453) and Marra et al(US 6309994) are cited of interest for their respective teachings and additionally to show the state of the art.

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The

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faxing of all papers must conform with the notice published in the Official Gazette, 1096

O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's**

personal fax number should be in draft-forms and will be treated as informal.

Same facsimiles will not be entered in the related applications unless

otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 571-273-8300.

Information about **the status of an application** may be obtained from the Patent

Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR**

or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic

Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner

Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and

8 PM, eastern time .



Merrick Dixon

Primary Examiner

Group 1700